

**City of Natalia, Texas**  
**Regular City Council Meeting**  
**November 20, 2017 at 7:00 pm**  
**Minutes**

Roll Call: Alderman (Mayor Pro-Tem) Sam Smith ó Present Mayor ó Position Vacant  
Alderman Mike Fernandez ó Present Alderman Tommy Ortiz - Present  
Alderman Sam Bluemel ó Present Alderman Ruben Juarez ó Absent

Call to Order:

- 1) Mayor Pro-Tem Sam Smith called the regular city council meeting to order at 7:00 pm.

Citizens to be Heard:

- 2) None.

City Council Comments:

- 3) None.

Consent Agenda:

- 4) a. Approval of Minutes: October 2017 Regular Meetings  
b. Approval of Financial Activity Report: October 2017  
c. Approval of Police Department Activity Report: October 2017  
d. Approval of Municipal Court Activity Report: October 2017  
e. Approval of Code Compliance Activity Report: October 2017  
f. Approval of Utility Department Activity Report: October 2017

Action: Alderman Bluemel made the motion approving the consent agenda, and Alderman Fernandez seconded the motion. Vote: 4-0; Motion carried unanimously.

Discussion/Consideration of Action Items:

- 5) **Discuss/Consider a Resolution; Casting votes to elect a candidate to the Medina County Appraisal Board of Directors for a two-year term beginning January 1, 2018.**

Action: Alderman Fernandez cast all 25-votes for the election of nominee, Roy Sheetz; and Alderman Bluemel seconded the motion.

Vote: 4-0; Motion passed unanimously.

- 6) **Discuss/Consider Hiring Margaret Lee Martinez Fernandez for the position of Code Enforcement/Police Officer for the Natalia Police Department, and Administering the Oath of Office.**

Discussion: Chief Rodriguez explained the department change of this position, stating that Code Enforcement will now be under the Police Department, in addition, this person will also perform the duties of Police Officer and Animal Control. Chief Rodriguez introduced applicant to be considered, M. Fernandez, for this position to City Council.

Action: Alderman Fernandez made a motion approving the hiring of Margaret Lee Martinez Fernandez for the position, and Alderman Ortiz second the motion. Vote: 4-0; Motion carried unanimously. Mayor Pro-Tem Smith administered the Oath of Office to Officer M. Fernandez.

- 7) **Discuss/Review us of property located at 21218 FM-471 S., Block P, Lots 29 & Part of 30, Natalia Texas 78059, agenda item requested by property owner, Ben Klassen.**

Discussion: Mayor Pro-Tem Smith questioned Mr. Klassen the meaning behind his statement in the agenda item request; Mr. Klassen began to explain to Council that the city cannot provide him sewer services because it could not handle the capacity of the proposed apartment complex; but the city will not allow him to place a septic system in even after the realtor that sold him the property, as well as city employees, told him that he can because the city could not provide it. City Administrator Hernandez mentioned that the City has an ordinance prohibiting the installation of septic tanks in the city limits if city sewer is available, which it is; and explained many times before to Mr. Klassen that he would have to bore under the highway to connect to the sewer main. Additionally, Mr. Klassen's proposed apartment complex was not denied by council; however, recommendations by city engineer to Klassen was that he would have to install a grinder system connected to each unit to breakup and ease the flow of sewage into the city's system; thereafter city council postponed consideration until staff, engineers and Klassen can meet to discuss the plans further, no other actions or discussions afterwards took place. Mr. Klassen mentioned that he tried selling the property for a church, but the city would not let them. City Administrator Hernandez explained to Mr. Klassen that the property is zoned commercial; this request would have to be

approved by Council. City Administrator Hernandez also addressed this issue to the potential buyer when the city noticed activity happening on this property. Buyer stated they were going to install a manufactured home, a church, and measuring where to place the septic tank; at this point, City Administrator Hernandez notified the buyer that this property was zoned commercial and they would have to come before city council for this to be considered; additionally explaining the prohibition of septic tanks inside city limits. City Council tried explaining to Mr. Klassen of the city's availability to provide sewer to this property, but Mr. Klassen walked out of the chambers, ending discussion at 7:15pm.

Action: None.

8) **Discuss/Consider terms of a Lease Agreement made by and between the City of Natalia and Natalia Little League for property located between State Hwy 132 & East 3<sup>rd</sup> Street off FM-471, and determining engagement.**

Discussion: City Administrator Hernandez mentioned that Alderman Fernandez, Alderman Ortiz and NLL President Jaime Gomez met on October 17, 2017 at 6pm to discuss the renewal terms of the lease agreement. Noting changes made to include "In-Season" and "Off-Season" terms; notice and reporting requirements of all activities; and providing for monthly financial reports. NLL President Jaime Gomez requested certain changes to the lease agreement in regards to reporting activities, Section 2.2 and Section 2.6; and requesting to remove reporting of certain "approval" requirements by Council, and reporting of monthly financials. Instead, replacing "approval" with providing notice to Chief of certain activities; and instead providing end-of-year financials. City Council questioned Gomez the reasons for not wanting to provide monthly financials to City Council; and mentioned that the property was donated for certain purposes so long as confident conditions can be met for the benefit of a park or little league baseball, and having monthly financials can assist with this, and has always been a criterion before. Further discussions regarding the financial reporting and eligible uses of property were deliberated. However, ending discussion, **City Council agreed to change Section 2.2, striking out certain language and underlining insertion; section to read as follows:** *"LITTLE LEAGUE agrees to provide NATALIA CITY COUNCIL a schedule of its activities on a monthly basis to be reported to and considered by City Council at each regular meeting held every third Monday of each month at 7:00pm, unless otherwise cancelled or rescheduled by City Council at least seven (7) days prior to the beginning of Natalia Little League IN-SEASON, or from the release of the IN-SEASON schedule, whichever is later. LITTLE LEAGUE shall be held responsible for all activities and events hosted, or introduced, by NATALIA LITTLE LEAGUE, to include any cause of damages, accidents, or injuries. ~~Approved~~ Scheduled use of the baseball/softball/T-ball fields is subject to closure and interruption by the City for maintenance, inclement weather, or to preserve and maintain the public health, safety and welfare."* **City Council also agreed to change Section 2.6, striking out certain language and underlining insertion; section to read as follows:** *"Off-Season: July 16 through December 31. The City hereby grants the LITTLE LEAGUE a non-exclusive license to use the baseball/softball/T-ball fields to hold and conduct baseball and softball games for youth league play, including league games, practices, playoffs, tournaments, or other non-sanctioned National Little League events, benefits or activities introduced by NATALIA LITTLE LEAGUE and approved by City Council according to the terms of this lease agreement. NATALIA LITTLE LEAGUE shall provide notice at least seven (7) days prior to an event to the City Administrator, and Chief of Police, in order to make necessary arrangements, if any, for all activities held on the property."*

No other changes were made, or agreed upon by City Council.

NLL President Jaime Gomez asked that city council postpone this item until after the NLL Board can meet again on December 5<sup>th</sup>. City Administrator Hernandez will have the draft changes made and resubmit for City Council consideration; no other changes were requested.

Action: Alderman Bluemel made a motion postponing consideration to the December Regular City Council Meeting held December 18<sup>th</sup>; Alderman Ortiz second the motion. Vote: 4-0; Motion carried unanimously.

9) **Discuss/consider adopting Ordinance prohibiting the operation and parking of heavy trucks and trailer on any portions of municipal streets, rights-of-way, utility easements, alleys or causing visual obstruction of traffic.**

Discussion: City Administrator Hernandez explained that prior to the city codifying their ordinance, the city had a prohibition ordinance in effect, however, the heavy truck ordinance was not included in the adoption process;

therefore requiring an new ordinance to be considered. The draft ordinance provides certain exceptions to include, emergency vehicles, city contracted construction, travel-by school bus routes, zoned operations, governmental care transportation services, deliveries or transporting during daylight hours, and law-enforced traffic control directives; however, this ordinance does not allow for property owners or occupants to park or drive their heavy trucks onto private property no matter their occupation as the outcome and conditions of city streets still exists. City Administrator Hernandez proposes Council adopt the drafted ordinance as is, and if City Council wishes to make this an exception, they can later amend the ordinance to include for a heavy-truck permit, but would also have to establish those permit conditions and approval requirements as well.

Action: Alderman Fernandez made a motion approving the ordinance; and Alderman Ortiz second the motion. Vote: 4-0; Motion carried unanimously.

- 10) Discuss/Review the quote and system analysis provided by Hydro-Pro Solution for the consideration of implementing an Automated Meter Reading (AMR) System.

Discussion: City Administrator Hernandez provided the Economic Analysis Overview report and quote submitted by HydroPro Solutions. The report depicts 19.55% unaccounted water loss which is mainly caused by metering inaccuracies especially with age; older meters tend to slow down, or stop, measuring customer's consumption. This water loss calculates an average annual loss in revenue of about \$40,226.00, or 14-Million Gallons. This loss in revenue can essentially pay for the annual debt payment, if recoverable through meter inaccuracies. Government Capital provided two estimates, a 10-Year Term at an Interest Rate of 3.482% for an Annual Payment of \$25,087.18 (Potential Profits of \$15k); and, a 12-Year Term at an Interest Rate of 3.785% for an Annual Payment of \$21,974.76 (Potential Profits from estimated Loss, \$18k). The City would be required to submit this capital purchase through bids, and because the City just implemented a rate increase, there is a possibility usage will decrease; therefore, suggests the City postpone movement until next fiscal year budget cycle which typically begins in July to at least see how this fiscal year net budget ends.

Action: No action taken. Item will be addressed again during next fiscal year's budget.

#### Executive Session:

- 11) Executive Session: The City Council met in Executive Session at 8:15pm pursuant to Texas Government Code, Chapter 551 to discuss the following:
- i. §551.074; Personnel Matters: Chief of Police Annual Evaluation.
- 12) Regular Session: The City Council reconvened into Regular Session at 8:40pm, and took no action on items discussed in Executive Session.

#### Staff Reports:

##### 13) **City Administrator's Reports:**

- i. Update 2018-Comprehensive Master Plan: An all day workshop was held on November 8, 2017 between staff, members of the City Council and MDD Board, Engineers and Grant Writers discussed the city's current infrastructure conditions and improvements plans for water, sewer, drainage, and street systems; highlighting grant program and funding options available to the city to accomplish reasonable improvements through this plan, and determining growth and service availability, annexation, and the economic need for expanding business opportunities and providing for incentive package programs.
- ii. Update 2017-2018 TDA TxCBDG Wastewater Treatment Plant Improvements: The City submitted for a Grant Application on February 9, 2017 for grant funds of \$275,000 with a 5% city match (\$13,750) to support the improvement costs for the installation of: a) Mechanical Fine Screen, b) Automatic Transfer Switch, and c) Sludge Blanket Monitoring Device. The City was just given notice of the Grant Award, considering the city can comply with all contract conditions during term beginning December 1, 2017 and ending November 30, 2019.
- iii. Update 2018-USDA Water/Wastewater System Improvements Projects: In order to proceed with bidding for construction USDA is requiring the City to submit proof of ownership of certain utility easements in connection with the improvements. Because locating these easement documents has become a bigger task than planned and in order to move forward with our efforts, we have asked USDA for a 6-month extension on the original deadline of November 10, 2017.

#### Ceremonial Items:

- 14) **Administration of the Oath of Office to Unopposed Elected Officials of the City of Natalia, Texas for the November 2017 General Election.**

Mayor Pro-Tem Smith administered the Oath of Office to: Alderman Darin Frazier, Alderman Samuel Chipö Bluemel Jr., and Mayor Tommy Ortiz. These positions hold a two-year term set to expire November 2019.

*At this time, Mayor Tommy Ortiz, Alderman Darin Frazier and Alderman Sam Bluemel take their seat in Office; Mayor Ortiz chairs the remainder of the meeting.*

- 15) **Discuss/Consider Electing an Alderman to serve as Mayor Pro-Tem for a one-year term ending November 2018.**

Discussion: None.

Action: Alderman Fernandez nominated Sam Smith to serve as Mayor Pro-Tem; and Alderman Bluemel second the motion. Vote: 4-0; Motion carried unanimously.

- 16) **Discuss/Consider filling the vacant Alderman seat for the remainder of the term ending November 2018; and opening up the position to qualified nominee for city council consideration at the next city council meeting.**

Discussion: City Administrator Hernandez explained that since Tommy Ortiz has resigned his seat as Alderman by taking his seat as Mayor, the Alderman seat becomes vacant for the remainder of his term. City Council may fill the position by appointment; however, the appointee must meet the same qualifications as all city elected officials. Hernandez suggests this seat become filled as Aldermen have voting rights, and may cause issues when defining a quorum for certain meetings. Mayor Ortiz opens the table up for names of nominees; none provided.

Action: No action taken.

- 17) **Adjournment.** Alderman Fernandez motioned to adjourn the meeting at 9:05pm, and Alderman Frazier seconded the motion. Motion carried unanimously.

**Passed and Approved this 18<sup>th</sup> day of December, 2017.**

Approval:

---

Tommy Ortiz, Mayor

Attest:

---

Lisa S. Hernandez,  
City Administrator/Secretary